

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DREW DIXON,

Plaintiff,

Case No.: 1:23-cv-09878-VEC

v.

ANTONIO MARQUIS “L.A.” REID,

Defendant.

_____/

THIRD JOINT DISCOVERY STATUS REPORT

Pursuant to the Court’s Civil Case Management Plan and Scheduling Order (Dkt. 21) (“Notice”), counsel for Plaintiff Drew Dixon and Defendant Antonio Marquis “L.A.” Reid respectfully submit their third monthly Joint Discovery Status Report updating the Court on the parties’ progress in discovery as of May 1, 2024.

THIRD DISCOVERY REPORT

A. Status of Discovery

a. Rule 26(a)(1) Initial Disclosures

- i. Plaintiff served her Initial Disclosures on Defendant on January 22, 2024.
- ii. Defendant served his Initial Disclosures on Plaintiff on February 2, 2024.

b. Written Discovery

- i. Plaintiff served her First Request for Production and First Set of Interrogatories on Defendant on February 1, 2024.

1. Defendant served his Responses to Plaintiff's First Request for Production and First Set of Interrogatories on March 18, 2024.

- ii. Defendant served his First Request for Production and First Set of Interrogatories on Plaintiff on February 28, 2024.

1. Plaintiff served her Responses to Defendant's First Request for Production and First Set of Interrogatories on March 29, 2024.

c. Rule 45 Subpoenas

- i. Plaintiff has sent three subpoenas for service on February 12, 2024, to the following: (1) Arista Records LLC, (2) Sony Music Entertainment, Inc., and (3) Bertelsmann Music Group, Inc.

1. Following the parties' March 4, 2024, meet-and-confer and March 7, 2024, discovery teleconference with the Court, and pursuant to the Court's March 7, 2024, Order (Dkt. 39), the parties held a meet-and-confer with counsel for the subpoena recipients to discuss the subpoenas and ascertain the contents of the recipients' files. On

March 18, 2024, Plaintiff sent subpoena recipients a letter memorializing certain questions and suggestions to streamline the document collection process. On March 21, 2024, subpoena recipients responded to Plaintiff's letter, and also served its objections to Plaintiff's subpoena. **Subpoena recipients have not produced any documents pursuant to Plaintiff's subpoenas to date.**

2. On April 15, 2024, Plaintiff and subpoena recipients had another meet-and-confer to discuss Sony's objections to Plaintiff's subpoena and document production. On April 22, 2024, Plaintiff sent subpoena recipients a letter memorializing their discussion. On April 24, 2024, subpoena recipients responded to Plaintiff's letter and advised that their document review could take several weeks, but that they hope to make a production sooner.

ii. Defendant has sent subpoenas for service on February 29, 2024, to Plaintiff's medical providers for which Plaintiff provided HIPAA releases: (1) MedStar Washington Hospital Center, (2) Amarilis Rivera, LCSW, and (3) Dr. Valerie Bryant, LCSW.

1. On March 22, 2024, the parties met and conferred regarding Defendant's subpoenas to Plaintiff's medical providers. Plaintiff has received documents from Dr. Bryant and is in the process of reviewing for production to Defendant. Plaintiff has

reached out to both Ms. Rivera and MedStar in order to received documents for review and production to Defendant.

2. On April 25, 2024, Plaintiff received documents from Ms. Rivera and is in the process of reviewing for production to Defendant.

3. On April 26, 2024, Plaintiff served on Defendant a production which included Dr. Bryant's records.

d. Discovery Production

i. Discovery production has not yet begun in this case; however, both parties have engaged discovery vendors and exchanged written discovery. The parties have exchanged responses and objections to each other's initial requests for production and anticipate that discovery productions are forthcoming.

ii. Plaintiff's Productions

1. Plaintiff served her First Production on Defendant on April 5, 2024.
- 2. Plaintiff served her Second Production on Defendant on April 26, 2024.**

iii. Defendant's Productions

- 1. Defendant has not produced any documents to Plaintiff.**

e. Depositions

i. On April 30, 2024, Plaintiff served notices of depositions for the following witnesses: Nichelle Devaille (deposition set for May 7, 2024);

Karen Kwak (May 20, 2024); Roy Lott (June 20, 2024); and John Stephens p/k/a John Legend (June 24, 2024).

f. Experts

- i. Plaintiff is in the process of retaining expert witnesses.
- ii. Defendant has not yet retained expert witnesses.

B. Discovery Issues

a. Plaintiff's Position:

- i. Plaintiff does not anticipate needing extra time to complete discovery at this time.

b. Defendant's Position:

- i. **Defendant's counsel is continuing to meet and confer with Plaintiff's counsel on the issues listed above, but believes that court intervention will be necessary as to the entry of a protective order. With regard to discovery as a whole, Defendant notes that this case presents unusual challenges given that it has been commenced more than two decades after the alleged wrongs. As a result, additional time has been and will be required to locate witnesses and documents, and Defendant anticipates that some witnesses and documents may ultimately be unavailable due to the passage of time.**

C. Discovery Orders

a. ESI Protocol

- i. Plaintiff has drafted an ESI Protocol and sent it to Defendant for review on January 31, 2024. The parties met and conferred on February 9, 2024. As of March 1, 2024, the parties are in agreement on the ESI Protocol.

b. Protective Order

- i. **On April 23, 2024, the Court entered the parties' protective order.**

D. Discovery Motions

- a. As of the date of this filing, the parties are continuing to meet and confer on various discovery issues. No discovery motions are pending at this time.

E. Ongoing Settlement Efforts

- a. **On March 27, 2024, the parties and their counsel appeared in person before Judge Parker for a settlement conference. The next settlement conference before Judge Parker is scheduled for June 25, 2024.**

DATED: May 1, 2024

Respectfully submitted,

/s/ Kenya K. Davis

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*Counsel for Defendant Antonio Marquis
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CERTIFICATE OF SERVICE

I certify that on May 1, 2024, I electronically served *Third Joint Discovery Status Report* via ECF to all counsel of record.

/s/ Kenya K. Davis
Kenya K. Davis

Counsel for Plaintiff Drew Dixon